THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.11767 of 1999

Dated : 04.04.2007

Between:

Golla Sattaiah S/o Shivaiah and another.

… **PETITIONERS**

And:

District Collector, Medak District at Sangareddy
and another.

….**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.11767 of 1999

ORDER:

Petitioners were assigned the land admeasuring Acs.4.40 guntas in Sy.No.864/2 situated at Ootla village, Jinnaram Mandal, Medak District, vide patta certificate dated 15.08.1987, and their names were also mutated in the revenue records. Since the date of assignment, the petitioners have been in possession and enjoyment of the said land. While so, on 11.06.1999 the second respondent allegedly went to the land of the petitioners for taking measurement. On enquiry, the petitioners came to know that the revenue authorities are proposing to assign the land in the possession of the petitioners to some third parties, without following due process of law. Aggrieved thereby, this writ petition is filed.

The second respondent filed a counter stating that the petitioners failed to cultivate the land, and therefore, a show cause notice dated

23.08.1998 was issued to them, however, they refused to receive the same and accordingly, it was affixed on 10.05.1998. Despite the same, the petitioners did not submit any explanation, and accordingly, an order of resumption was passed on 21.12.1998, and possession of the land was also taken on 30.12.1998. Thereafter, as per the proposal for providing house sites to the weaker sections of society, the land was divided into plots and the possession of the plots was also handed over to the beneficiaries. At that juncture, the petitioners filed this writ petition with false allegations. The petitioners cannot question the action of the respondents, as they have violated the conditions of patta and did not submit any explanation pursuant to the show cause notice. Hence, the writ petition is liable to be dismissed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Assignment.

Admittedly, against the order of resumption, the petitioners have a remedy of appeal. Without exhausting the said remedy, the petitioners could not have filed this writ petition, and therefore, the same cannot be entertained.

Accordingly, the writ petition is dismissed giving liberty to the petitioners to file an appeal before the competent authority against the order of resumption dated 21.12.1998 within a period of six weeks from the date of receipt of a copy of this order. However, as this Court granted interim stay of dispossession of the petitioners from the land in question by an order dated 18.06.1999, which was made absolute on 03.03.2000, it is made clear that the petitioners be not dispossessed from the land in question till the filing of the appeal. There shall be no order as to costs.

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04.04.2007

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